

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Smith, Gale E., *et al.*  
Serial No. : 09/484,886  
Filing Date : January 18, 2000  
For : **IN VIVO ACTIVE ERYTHROPOIETIN PRODUCED IN  
INSECT CELL**  
Examiner : Srivastava, Kailsah C.  
Art Unit : 1657  
Confirmation No. : 1236

745 Fifth Avenue, New York, NY 10151

**FILED VIA EFS WEB  
ON March 25, 2009**

**PRELIMINARY AMENDMENT UNDER  
37 C.F.R § 1.114, AND REQUEST FOR INTERVIEW**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the final Office Action mailed February 20, 2008 setting a three (3) month period for response. A Notice of Appeal was filed on August 25, 2008 setting a two (2) month period for response.

Amendments to the claims begin on page 2.

Remarks begin on page 7.